

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. IP 05- -CR
)	
ELI LILLY AND COMPANY,)	
)	
Defendant.)	

PETITION TO ENTER A PLEA OF GUILTY

The defendant above-named respectfully represents to the Court as follows:

1. The full true name of defendant is ELI LILLY AND COMPANY ("ELI LILLY"), and ELI LILLY requests that all proceedings against it be had in the name which ELI LILLY here declares to be its true name.

2. ELI LILLY is represented by counsel and its attorneys' names are Larry A. Mackey and Paul E. Kalb.

3. ELI LILLY has received a copy of the Information before being called upon to plead. ELI LILLY has read and discussed it with its attorneys and ELI LILLY understands every accusation made against it in this case.

4. ELI LILLY has told its attorneys the facts and surrounding circumstances as known to ELI LILLY concerning the matters mentioned in the Information, and believes that its attorneys are fully informed as to all such matters. ELI LILLY's attorneys have since informed,

counseled and advised ELI LILLY as to the nature and cause of every accusation against it and as to any possible defenses ELI LILLY might have in this case.

5. ELI LILLY's attorneys have advised it that the punishment which the law provides is as follows:

Count	Minimum Years of Imprisonment	Maximum Years of Imprisonment	Maximum fine ¹ for each of the Counts is:
1	0	0	\$200,000 or twice the gross gain to ELI LILLY

ELI LILLY's attorneys have also advised ELI LILLY that its sentence will fall within the minimum and maximum statutory limits and that the United States Sentencing Guidelines, although not binding, will be consulted by the Court and taken into account, along with other relevant information, in determining ELI LILLY's sentence.

6. ELI LILLY understands that it will have to pay a Special Assessment of \$125.00 pursuant to Title 18, United States Code, Section 3013.

7. ELI LILLY understands that it is entitled to have all of its rights which may be involved in this matter explained to it, and that it has the right to have any questions it may have answered for it.

8. ELI LILLY understands that it may, if it so chooses, plead "Not Guilty" to any offense charged against it, and that if it chooses to plead "Not Guilty" the Constitution guarantees it: (a) the right to a speedy and public trial by jury in the District in which it is charged; (b) the right to see and hear all the witnesses against it at its trial; (c) the right to use the power and the process of the Court to compel the production of any evidence, including the attendance of any witness in its favor, at its trial; (d) the right to the assistance of counsel at

¹18 U.S.C. § 3571

every stage of the proceedings, including an appeal if need be; and (e) that in the event that it should be found guilty of the charge against it, it would have a right to appeal its conviction on such charge to a higher court.

9. ELI LILLY understands also, that if it pleads "Guilty", the Court may impose the same punishment as if it had plead "Not Guilty", had stood trial and been convicted by a jury.

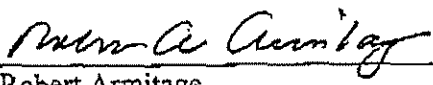
10. ELI LILLY believes that its attorneys have done all that anyone could do to counsel and assist it and that it now understands the proceedings in this case against it.

11. ELI LILLY knows the Court will not accept a plea of "Guilty" from anyone who claims to be innocent and, with that in mind and because it makes no claim of innocence, ELI LILLY wishes to plead "Guilty", and respectfully requests the Court to accept its plea as follows: "Guilty" as charged to Count 1 of the Information.

12. ELI LILLY declares that it offers ELI LILLY's plea of "Guilty" freely and voluntarily and of its own accord; also that its attorneys have explained to it, and ELI LILLY believes it understands the statements set forth in the Information and in this petition and in the "Certificate of Counsel" which is attached to this petition.

13. ELI LILLY further requests that the Court accept and enter now ELI LILLY's plea of "Guilty" as set forth above in paragraph 12 of this petition.

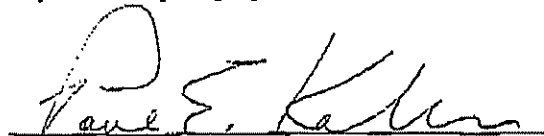
14. ELI LILLY agrees to waive the preparation of a presentence report, pursuant to Rule 32(c)(1), Federal Rules of Criminal Procedure, and requests that the Court sentence ELI LILLY at the time of the entry of its guilty plea.


Robert Armitage
General Counsel
ELI LILLY AND COMPANY
Defendant

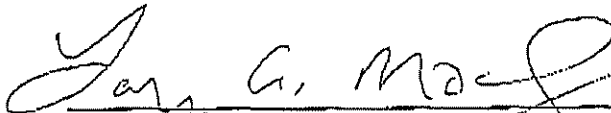
CERTIFICATE OF COUNSEL

The undersigned, as attorneys and counselors for the Defendant, hereby certify as follows:

1. We have read and fully explained to the Defendant all of the accusations against the Defendant which are set forth in the Information in this case;
2. To the best of our knowledge and belief each statement set forth in the foregoing petition is in all respects accurate and true;
3. The plea of "Guilty" as offered by the Defendant in paragraph 12 of the foregoing petition accords with our understanding of the facts as related to us by the Defendant and is consistent with our advice to the Defendant;
4. In our opinion, the plea of "Guilty" as offered by the Defendant in paragraph 12 of the foregoing petition is voluntarily and understandingly made and we recommend to the Court that the plea of "Guilty" be now accepted and entered on behalf of the Defendant as requested in paragraph 13 of the foregoing petition.



Paul E. Kalb
Sidley Austin Brown & Wood LLP
1501 K Street
Washington, DC 20008
(202) 736-8000



Larry A. Mackey
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, IN 46204
(317) 236-1313